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mhIN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**PHILIPS-VAN HEUSEN CORP.,****Plaintiff**

v.

MITSUMI O.S.K. LINES LTD., et al,**Defendants****CIVIL ACTION NO. 1:CV-00-0665****FILED**
HARRISBURG, PA

FEB 05 2002


MARY E. D'ANDREA, CLERK
Per
Deputy Clerk**ORDER**

The background of this order is as follows: On January 8, 2002, the court held a pretrial conference in the captioned matter. At that meeting, Defendant Mitsui O.S.K. Lines Ltd. ("Mitsui") made an oral motion to require that Third Party Defendant Kellaway Transportation, Inc., *et al.* ("Kellaway") produce the investigation report that was attached to its insurance audit and loss report, but was not produced to the other parties. Counsel for Kellaway indicated that said documents constituted attorney-work product. Thus, discovery of such documents is prohibited by Federal Rule of Civil Procedure 26(b)(3).

By an order dated January 8, 2002, the court ordered to produce said documents to the court for *in camera* review. On February 5, 2002, Kellaway sent a package of documents to the court pursuant to the order of January 8, 2002. The package included the fourteen page asset protection incident report, which – according to counsel for Kellaway – has been produced to all parties, and several pages of handwritten notes that were attached to the asset protection incident report but were not produced to the remaining parties based on the work product objection.

The court has conducted its *in camera* review of the documents. Based on said review, the court determines that the information in the handwritten notes

contains the same information that can be obtained from the asset protection incident reports. Accordingly, **IT IS HEREBY ORDERED THAT** Defendant Mitsui's oral motion to compel production of documents is **DENIED AS MOOT**.


SYLVIA H. RAMBO
United States District Judge

Dated: February 5th, 2002.